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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 IN RE: UBER TECHNOLOGIES, INC.,
9 PASSENGER SEXUAL ASSAULT
10 LITIGATION

Case No. 23-md-03084-CRB

11 This Document Relates to:
12 ALL CASES
13

**AFFIDAVIT OF TIFFANY R. ELLIS IN
SUPPORT OF PLAINTIFFS' LIST OF
DISPUTED ENTRIES FOR SPECIAL
MASTER REVIEW**

Judge: Honorable Barbara S. Jones

1 I, Tiffany R. Ellis, hereby declare as follows:

2 1. I am a partner of Peiffer Wolf Carr Kane Conway & Wise, an attorney licensed in
3 the States of Michigan and Illinois and duly admitted to practice before this Court, representing
4 Plaintiffs in the above caption action.

5 2. I submit this declaration in support of Plaintiffs' List of Disputed Entries from
6 Defendants' August 8, 2025 and August 11, 2025 clawback notices that were submitted for Master
7 Review on August 22, 2025.

8 3. Plaintiffs incorporate the Discovery Letter Brief Regarding Disputed Entries for
9 Master Review filed by All Plaintiffs on March 4, 2025. *See* ECF No. 2434. Plaintiffs incorporate
10 the brief to support the specific reasons each entry on Plaintiffs' List of Disputed Entries from
11 Defendants' August 8, 2025 and August 11, 2025 clawback notices were challenged. The Brief
12 included the general background of the privilege dispute process to date, the legal standard for
13 Plaintiffs raising challenges to Defendants' privilege log entries, and a general argument for the
14 challenges Plaintiffs raised.

15 **Uber's August 8, 2025 and August 11, 2025 clawback notices**

16 4. On August 8, 2025, Defendants provided a clawback notice for
17 UBER_JCCP_MDL_003266523 (JCCP_MDL_PRIVLOG074265),
18 UBER_JCCP_MDL_000886031 (JCCP_MDL_PRIVLOG110283), and
19 UBER_JCCP_MDL_003028890 (JCCP_MDL_PRIVLOG110284).

20 5. On August 11, 2025, Defendants produced an updated clawback notice with revised
21 privilege log.

22 6. On August 13, 2025, Plaintiffs sent Defendants challenges to all three of the
23 clawback documents.

24 7. The Parties met on August 20, 2025. During that meeting, counsel for Uber
25 indicated they might reconsider their position on two of the entries
26 (JCCP_MDL_PRIVLOG074265 and JCCP_MDL_PRIVLOG110283) but needed to confer with
27 their client. To date, Defendants have not provided any update

28 8. On August 22, 2025, Plaintiffs submitted the three entries for Master review.

1 Plaintiffs also requested expedited review of UBER_JCCP_MDL_003028890
2 (JCCP_MDL_PRIVLOG110284). The Master determined this document to be privileged on
3 August 24, 2025.

4 9. The remaining two documents should be produced with redactions.

5 10. UBER_JCCP_MDL_003266523 (JCCP_MDL_PRIVLOG074265) is a
6 spreadsheet where most of the data relates to business concepts. During the August 6, 2025
7 deposition of Hannah Nilles, Uber's counsel stated that Uber's asserted claim to privilege only
8 applies to a "portion of the document" and expressly stated that multiple columns "are legitimate
9 portions of the document that can be questioned about." H. Nilles 8/6/25 Depo. Tr. at 839-840; see
10 also id. at 843-844 (Uber's counsel: "[T]here are columns ... that do not contain privileged
11 information" and "are certainly open and subject to questioning in this deposition on their
12 contents.") and 846-846 (legal advice not received on topics in "every single cell," identifying only
13 one part of column N, row 66, as cell that "reflect[s] legal guidance"). (Plaintiffs can provide to
14 Special Master if needed.)

15 11. UBER_JCCP_MDL_000886031 (JCCP_MDL_PRIVLOG110283) contains notes
16 for both attorneys and non-attorneys authored by a non-attorney. In addition, a version of this same
17 document has already been presented to Master Jones, who directed Uber to produce it with Uber's
18 proposed redactions, and Uber produced that document with only minor redactions
19 (JCCP_MDL_PRIVLOG014931, UBER_JCCP_MDL_004014302), demonstrating that this
20 document is not privileged in its entirety.

21 Executed this 25th day of August 2025 in Detroit, Michigan.

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23 /s/ Tiffany R. Ellis
24 Tiffany R. Ellis
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